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Art. V. — English Aristocracy and English Labor.

That a nation the most wealthy on earth should allow a vast proportion of its inhabitants to languish in a state of poverty the most abject and the most hopeless; that the nation which claims the first rank among free states should suffer to exist throughout its rural population a degree of degradation hardly, if at all, removed from absolute slavery, is matter of special wonder. Yet such is, and such has long been, the condition of England. After centuries of suffering, volumes of discussion, and statutes without number, the question how to deal with this state of things is pressing most alarmingly on the government of that country, and exciting intense interest all over the civilized world. It is becoming *the question* for England, and one of graver import has never presented itself. Is it or is it not to be solved? Is there or is there not any way of accounting for this strange anomaly? We think that there is, and that the clew to it is furnished in a remark which is attributed to Mr. Disraeli.

That gentleman is reported to have said that the population of England is made up of two nations. What is meant by this assertion, and what is now the relative position of these two nations, are the questions which this paper is intended to discuss. We will begin with the account we have of the state of England soon after its abandonment by the Romans.

Mr. Sharon Turner proves by quotations from Domesday Book and other authorities, that he is justified in saying that "there can be no doubt that nearly three fourths of the Anglo-Saxon population were in a state of slavery; and nothing could have broken the powerful chains of law and force, by which the landed aristocracy held the people in bondage, but such events as the Norman Conquest, and the civil wars it excited," etc. The Norman Conquest certainly made short work with the Anglo-Saxon aristocracy, for it dispossessed it, and reduced it to much the same state of bondage with its former slaves.

An old writer thus describes the change brought about by the Norman Conquest: "This mere name of the laws of King Edward was all that henceforth remained to the Anglo-Saxon

nation of its former existence; for the condition of every individual was changed by the Conquest; from the highest to the lowest, every one of the vanquished had been let down from his former condition; the chief had lost his power, the rich his possessions, the freeman his independence, and he who under the cruel custom of that age had been born a slave, become the servant of a foreigner, no longer enjoyed those indulgences that the habit of living together and community of language procured for him on the part of his former master." (Sermo Lupi, quoted by Mr. Thierry, Vol. I. p. 250.) This state of things was of long duration. After that event (the Norman Conquest) the entire Saxon population, gentle and simple, remained trodden under foot by their Norman masters. In the year 1215, the date of Magna Charta, about one hundred and fifty years after the Conquest, no change in this respect had taken place. In speaking of that document, Sir William Blackstone uses the following absurd language, which law students, from his day downwards, have too often accepted without question as the utterance of an oracle. After reciting some of the less important articles of the charter, he adds: "It confirmed and established the liberties of the city of London, and of all other cities, boroughs, towns, and ports of the kingdom; and lastly (which alone would have merited the title it bears of the great charter), it protected every individual of the nation in the free enjoyment of his life, his liberty, and his property, unless declared forfeited by the judgment of his peers, *or the law of the land.*" One knows not whether to be amused or provoked at such rodomontade. Could it be supposed from this lofty language, that, at the moment alluded to, seven tenths of the people were, by the laws of the land, absolute slaves, gaining just as much by the great charter in 1215 as our negro slaves on Southern plantations, or elsewhere, did by the Declaration of Independence in 1776? The cases are almost parallel. This famous twenty-ninth chapter in the bald Latin of the time runs thus: "Nullus liber homo capiatur, vel emprisonetur, aut disseisiatur de libero tenemento suo, vel libertatibus vel liberis consuetudinibus suis; aut utlagetur, aut exulet, aut aliquo modo destruatur, nec super eum ibimus, nec super eum mittemus, nisi per legale judicium parium suorum

vel per legem terræ. Nulli vendemus, nulli negabimus, aut differemus rectum vel justitiam." Now who were these *liberi homines*, — these freemen? Nobody knew better than Mr. Justice Blackstone that they were the great barons, the tenants *in capite* of the king, and the lesser barons, and tenants holding under them; in point of number an exceedingly small minority of the whole people. Spelman, in his Glossary, says that *liber homo* anciently meant a gentleman, for scarce any one besides was entirely free. If he is right, the true reading should be, No gentleman shall be arrested, imprisoned, or disseised, etc., and to no gentleman will we sell, or deny, or delay justice. On the same subject Sir George Nichols, in his History of the Poor Laws (Vol. I. p. 19), uses this language, which comes much nearer to the truth: "Magna Charta was wrung from the unwilling John by the armed barons assembled at Runnymede in 1215. This charter, long regarded as the foundation of English liberty, relieved the nobility and freemen from the arbitrary exactions of the sovereign, but the serfs and villains were not included, *but remained in a state of slavery as before.*" A villain or rustic was not, however, by the imposition of any fine, to be deprived of his carts, ploughs, or implements of husbandry; and this, as is remarked by Mr. Hume, "was the only article calculated for the interests of this body of men, probably at that time the most numerous in the kingdom." With reference to this early period," Mr. Macaulay observes: "The sources of the noblest rivers, which spread fertility over continents, and bear richly laden fleets to the sea, are to be sought in wild and barren mountain tracts, incorrectly laid down in maps, and rarely explored by travellers. To such a tract the history of our country during the thirteenth century may be not inaptly compared. Sterile and obscure as is that portion of our annals, it is there that we must seek for the origin of our freedom, our prosperity, and our glory. Then it was that the great English people was formed, that the national character began to exhibit those peculiarities which it has ever since retained; and that our fathers became emphatically islanders, — islanders, not merely in geographical position, but in their politics, their feelings, and their manners."

We are aware that it may be said, in defence of Sir W.

Blackstone, that all he intended to assert was the simple truth, that every individual who had any property or liberties was to be protected in the enjoyment of them; and that he might be supposed to mean that in the progress of time and the advancement of society these privileges, at first restricted to a few only, came at last to be extended to every Englishman. We will admit, for the sake of argument, that this may have been his meaning; and it is precisely the question at issue, how far and in what sense this may be said to be true. Starting then from this point of time, which leaves the English people, as distinguished from their Norman masters, plunged in utter servitude, we will attempt to follow them by means of the statute-book and the courts of law, the only guides we have, up to our own day. It is a melancholy picture, one of the saddest in the annals of our race. The course we have to follow is by no means a primrose path, and most English writers, especially the popular historians, are little disposed to enter it, Sir W. Blackstone being a sample of them all. Lord Macaulay, in the passage just quoted, after a splendid exordium, avoids the question and goes off into a sweeping generality, which commits him to nothing, while it pays but an equivocal compliment to his countrymen. Mr. Hume is more candid. "Scarce any of those revolutions," he says, "which in both history and common language have always been denominated conquests, appear equally violent, or were attended with so sudden an alteration of both power and property." In our point of view a correct notion of this conquest, the slavery consequent upon it, the duration of that state of slavery, and the way in which it dropped out of sight, is essential to a proper understanding of the pauperism existing in Great Britain, and of Mr. Disraeli's startling assertion. While we are constantly told of the equality before the law, and the right to even-handed justice, which is the birthright of every Englishman, no one has ever been able to tell us from what moment these privileges date, or precisely what they are. Lord Macaulay says in his History of England (Vol. I. p 22): "Moral causes noiselessy effaced, first the distinction between Norman and Saxon, and then the distinction between master and slave. None can venture to fix the precise moment at which either distinction ceased;

some faint traces of the old Norman feelings might, perhaps, have been found in the fourteenth century. Some faint traces of the institution of villainage were detected by the curious so late as the days of the Stuarts; nor has that institution ever to this hour been abolished by statute." Where, then, are the two nations now whose status was so distinctly marked for more than three hundred years after the Norman Conquest? What became of those poor slaves, and how have they and their descendants fared? The answer must be sought in the laws of the realm, — laws passed by Parliaments governed entirely by the landed gentry, and marking, step by step, with vivid and shocking distinctness, the selfishness and greed of men when they are possessed of uncontrolled power. It will be observed that for the first three hundred years after the Conquest *there were no poor*, that is, there were no paupers, in the modern sense of the word, who could claim a legal right to support; the master himself being bound to provide for his slaves. This is a most important fact. The first act on record, recognizing this class of poor, claiming wages, was in the 23d of Edward III., nearly three hundred years after the Conquest, and one hundred and thirty-four years from the date of Magna Charta. It may be termed a turning-point in the character and history of the English people. The two nations in question henceforth present themselves in a new attitude towards each other. The mistake then made has never been retrieved, and from it, we shall see, grew up a practice which has led to disastrous results. The process by which, in the course of time, the poor slave dropped from the grasp of his master it is extremely difficult, and at this late day perhaps impossible, to point out with any degree of exactness. It is certainly known, however, that serfdom was far from being extinguished, though somewhat weakened, in the year 1348 (22d of Edward III.), when there fell upon Europe a pestilence, unexampled in horror, — the well-known 'black death,' — which is said to have carried off one half the inhabitants of England. The effects of this calamity upon the two nations, which then as now composed the population of England, remain uneffaced to this day. It would naturally be presumed that when the shattered remnant of the pampered class emerged from this dire visitation, it would be so pene-

trated with the nothingness of earthly distinctions, as to meet its equally afflicted dependants as fellow-men and fellow-Christians. It needs the experience we have ourselves lately had of the effect of a long-continued habit of holding other men in slavery fully to comprehend what actually took place. The utter dread of the least approach to political or social equality was too strong to be removed even by a warning like this. It came out unchanged from the very valley of the shadow of death. The poorer classes suffered most, and such as were not still slaves naturally inclined to profit by their diminished numbers, by refusing to work unless at higher wages than before the sickness. It is one of the sayings of Adam Smith, that "it is a good time for labor when two masters are running after one workman; it is the reverse when two workmen are competing for one master." But this presupposes that both parties are in a position to make a bargain, and to enforce it when made. In this case, unfortunately, the master owned his men, or if he had manumitted them, he belonged to a body who owned all the land, and, by reason of that ownership, made all the laws. Accordingly, the refractory workmen and servants were met by an act known as the *Statute of Laborers*, which begins by stating "that because a great part of the people, and especially workmen and servants, late died of the pestilence, many, seeing the necessity of masters and great scarcity of servants, will not serve unless they may receive excessive wages, and some rather willing to beg in idleness than by labor to get their living," then goes on to direct that every man and woman of whatsoever condition, *bond or free*, able in body and within the age of threescore years, not living in merchandise, nor exercising any craft, nor having of his own whereof he may live, nor proper land about whose tillage he may himself occupy, and not serving any other, shall be bound to serve him who shall him require, and take only the wages, livery, meed, or salary which were accustomed to be given in the places where he oweth to serve; and if any man or woman, being so required to serve, will not the same do, and that be proved by two true men before the sheriff, or the bailiffs, or constables of the town, he shall anon be taken and committed to jail, there to remain under close keeping till he finds surety

to serve in the form aforesaid." And it is further directed that "no man pay, or promise to pay, any servant any more wages, liveries, meed, or salary than was wont, nor in other manner demand or receive the same, on pain of doubling that that so shall be paid, promised, required, or received to him which thereof shall feel himself grieved, pursuing the same." As will readily be believed, another act became necessary in amendment and continuation of this. The new act begins by reciting, "Whereas late against the malice of servants which were idle and not willing to serve after the pestilence without excessive wages, it was ordained that such servants, as well men as women, should be bound to serve, receiving salary and wages accustomed; and now, forasmuch as it is given the king to understand in this present Parliament, *by petition of the commonalty*, that the said servants, having no regard to the said ordinance, but to their ease and singular coveties, do withdraw themselves to serve great men, and others, unless they have livery and wages to the double or treble of that they were wont to take before, to the great damage of the great men and impoverishing all the said commonalty; wherefore it is ordained that carters, ploughmen, drivers of the plough, shepherds, swineherds, deies, and all other servants, shall take liveries and wages accustomed. Where wheat was wont to be given they shall take it, or for the bushel *ten* pence, *at the will of the giver*. In time of sarcling (weeding) or haymaking the wages are to be but a penny a day, without meat or drink or other courtesie demanded, given, or taken." The act further provides that the said servants are to be sworn twice in the year to hold to do these ordinances, and directs that none of them go out of the town where he dwelleth in the winter to serve the summer, if he may serve in the same town. Nine years after, the last of these acts, the 34th of Edward III. was passed, imposing an additional penalty upon laborers and artificers who absented themselves from their services; and directing that they should be branded on the forehead with the letter F, "in token of falsity." At the same time a fine of £ 10 was imposed on the mayor and bailiffs of a town, if they failed to deliver up a laborer or artificer who had left his service. The same restrictions were applied to artificers and workmen in all the trades. This last act was passed

in 1360. In 1377 Edward III. died, and was succeeded by his son, Richard II., a minor. The riots and violence which, according to all the historians, prevailed during the last years of the reign of Edward III., the natural consequence of the acts just recited, soon led to open insurrection. From the beginning of the new reign we read of grievous complaints by the Lords and Commons, "of villains and land-tenants withdrawing their services, and affirming themselves to be quit and utterly discharged of serfage due, as well of their body as of their said tenures, and will not suffer any distress or other justice to be made upon them, but do menace the ministers of their lords, and gather themselves together in great routs, and agree by such confederacy that every one shall aid other to resist their lords with strong hands, to the great damage of the said lords, and evil example to other to begin such riots."

This state of things continued for several years. "It was, in short," says Sir George Nichols, "a struggle of the *servile many* against the claims of the *superior few*." At length, in 1381, the 5th of Richard II., it came to a head in the great rising under Wat Tyler. The insurgents amounted to one hundred thousand men in one body. They demanded a general pardon, *the abolition of slavery*, freedom of commerce in market towns, without toll or impost, and a fixed rent on land, instead of the services due by villainage. Mr. Hume declares these requests to have been extremely reasonable, and they were in fact complied with by the king. Charters to that purpose were granted them, and this body immediately dispersed and returned to their several homes. Happy had it been for England had these charters been confirmed and carried out in good faith. The king met another body of the insurgents led by Tyler himself, a collision took place, Wat was brained by the lord mayor, a body of armed soldiers came to the king's assistance, the nobility rushed to the rescue of his Majesty, the rebels were forced to submit. The charters of enfranchisement were at once revoked by the Parliament, and, says Sir George Nichols, "the low people were reduced to the same slavish condition as before." Mr. Sharon Turner * gives the following account of the Parliamentary proceedings:—

* History of England, Vol. II. p. 204, quarto edition.

"The insurrection was noticed in the speech from the government in the following Parliament. The lord treasurer recommended an inquiry to be made into the causes which had produced it. He reminded them that the king had granted letters under his great seal, enfranchising the servile part of the community, but declared that his Majesty was aware that he could not do this consistently with the law of the land, and had therefore recalled them. But he left it to the prelates, Lords, and Commons to decide whether they would sanction the enfranchisement or not, adding from the throne this important intimation, that if they were desirous to enfranchise the servile classes, as it had been reported some were, *the king would assent to the measure.* The Lords and Commons did not adopt the liberal feeling of the sovereign; they declared that they would not sanction the manumission, though they should all perish in one day; and they annulled them *universally.*"

Here was a golden opportunity lost forever. From this time it is one gloomy picture of arrogant blindness and perversity on the one side, and on the other of moody and sulky endurance. The same mass of degraded human beings presents itself to Queen Victoria to-day, as confronted King Richard five hundred years ago on Blackheath, — the grim Nemesis of eight centuries of wrong.

Seven years later, in 1388, one hundred and seventy-three years from the date of Magna Charta, was passed the 12th Richard II., which has generally been considered as the origin of English Poor Laws. By this statute the acts of Edward III. are confirmed; laborers are prohibited, on pain of imprisonment, from quitting their residences in search of work, unless provided with testimonials stating the cause of their absence and time of their returning, to be issued by justices of the peace *at their discretion.* And because laborers will not, and for a long season would not, serve without outrageous and excessive hire, prices are fixed for their labor, and punishments awarded against the laborer who receives more, and the master who gives more. Persons who have been employed in husbandry until twelve years of age are prohibited from becoming artisans. Able-bodied beggars are to be treated as laborers wandering without passports. Impotent beggars are to remain where they are at the time of the proclamation of the act, or if those places are unwilling or unable to support them, they are, within forty days, to repair to the places where they were born, and there dwell *during their lives.*

The late Mr. Nassau Senior, in an article in the Edinburgh Review (October, 1841), says: "We believe that the English Poor Laws originated in selfishness, ignorance, and pride. We are convinced that their origin was an attempt, substantially, to restore the expiring system of slavery." That system could not well be considered as expiring at this epoch, as the vote just cited shows, and it existed and was recognized in the courts of law, as we shall presently show, two hundred years after the passage of this statute of Richard II. Let us look a moment at the state of things in that year (1388). The insurrection of Wat Tyler was not an ordinary rising in one or two spots, as plainly appears from what has gone before, but a great and general movement, with a fixed object. Mr. Disraeli's two nations stood confronting each other. On the one side the great body of the people, the enslaved Anglo-Saxon population, on the other the descendants of the original Norman barons, who owned all the land, and were consequently the government, — not merely a majority of the Parliament, but the Parliament itself. There was then no manufacturing, no commercial, no banking interest to check in the smallest degree the power of the landlords. The rustics or farm laborers were at their feet. What could Magna Charta do for them? Magna Charta was merely a bargain between the king and his barons and tributaries. It had not, and never could have had, any force against an act of Parliament.

Of course we look in vain for any act of emancipation, but many of the oligarchs began to find that the holding of slaves was unprofitable, and they bethought themselves of a clever means of relieving themselves of it. Sir George Nichols, in speaking of the accession of Henry VII., about a century later, says of the beggars and vagabonds: "This class of persons had in all probability gained head during the disorder of the civil wars, and it may be presumed that their numbers were likewise increased by the emancipation from villainage, which had now been consummated, and which, while it left the people free to follow their own inclinations, *exonerated their masters from responsibility for their support.*" What is meant by emancipation from villainage having been consummated he does not explain. It is one of those vague expressions with which English writers

always slide over this question. It is not material to discuss here how far emancipation had actually proceeded at any given moment. It did, no doubt, in every case release the master from the obligation to provide for the maintenance of his slave, which was exacted by virtue of laws such as existed among our Southern slaveholders to protect themselves against careless or unprincipled masters who would leave their slaves unprovided for. As to the freedom of the people to follow their own inclinations, we have already seen what that means. It no doubt often happened that the master, finding his slaves burdensome, manumitted them, leaving them to shift for themselves. Having no longer a master to depend upon, they of course could not live without wages, and those wages were meted out at the will of their former masters. Here, then, is the explanation of all the consequent misery which has fallen upon England. Just in proportion to the decline in villainage has been the increase of pauperism. It is the history of oligarchies the world over. The landlords were omnipotent, and made act after act of Parliament, fixing the wages of labor, which they obliged their wretched slaves to take, under pain of fine, imprisonment, branding with a hot iron, whipping at the cart's tail till the blood ran, and finally of death. There was never a moment, from 1348, the date of the statute of laborers, to the reign of George II., 1725, when the rate of wages for laborers, and generally for artisans as well, was not regulated by act of Parliament. In the reign of Henry VIII. things had got to a frightful pass. There are said to have been seventy-two thousand men and women who underwent capital punishment in a reign of thirty-five years. This is probably an exaggeration, but the punishments of vagrants and vagabonds were severe and revolting beyond belief. The impotent and aged poor were not provided for, as in later times, by parochial assessment, but they were furnished with a license recommending them to the charitable, and they sometimes wore a badge or some kind of livery to distinguish them. In the reign of Edward VI. it is still the same story, — wages fixed by law, fines, whipping, branding, and so on, for vagrancy, and thus things went on until the act of the forty-third year of Elizabeth's reign (1601), as Sir George Nichols calls it, "the great turning-point of our Poor Law legisla-

tion." It is also a turning-point in the history of Mr. Disraeli's two nations. Sir George Nichols remarks: "The 43d of Elizabeth was not the result of a sudden thought or of a single effort, but was gradually framed upon the sure ground of experience; and it is curious to trace the successive steps by which its chief enactment — that of a compulsory assessment for the relief of the poor — came at length to be established. First, the poor were restricted from begging, except within certain specified limits; next, the several towns, parishes, and hamlets were required to support their poor by charitable alms, so that none of necessity might be compelled "to go openly in begging," and collections were to be made for them on Sundays, and the parson was to stir up the people to be bountiful in giving. Then houses and material for setting the poor on work were to be provided by the charitable devotion of good people, and the minister was every Sunday specially to exhort the parishioners to contribute liberally; next, the collector for the poor, on a certain Sunday after divine service, was to set down in writing what each householder was willing to give weekly for the ensuing year; and if any should be obstinate and refuse to give, the minister was gently to exhort him, and if he still refused, then to report him to the bishop, who was to send for and again gently exhort him; and if still refractory, the bishop was to certify the same to the justices in sessions, and bind him over to appear there, when the justices were once more gently to move and persuade him; and if he would not be persuaded, they were then to assess him in such a sum as they should think reasonable." This prepared the way for the more general assessment authorized by the 14th and 39th of Elizabeth, which again led to the complete and universal assessment of property, established by the further act (1601), which still continues the law.

We have seen that, from the "black death" in 1348, when pauperism was unknown, villainage had gradually declined, nobody seems to know exactly how, and that pauperism had grown *pari passu* up to the close of the reign of Elizabeth. Can anything be more apparent than that the wretched mass of poverty and crime of that day was made up of villains and the descendants of villains? The two nations were there, one of them, and that by far the more numerous, still virtually

slaves. But villainage proper, slavery pure and simple, was also still there, notwithstanding the confident assertion of Sir George Nichols that emancipation was consummated just one hundred years earlier, when Henry VII., the grandfather of Queen Elizabeth, ascended the throne. Professor Rogers, of Oxford goes a century and a half further back, and says that "anything like the extreme theory of villainage was, I am convinced, extinct before the close of the thirteenth century (in the teeth of the vote of 1381, quoted above). In many thousand accounts, he says (among the papers of Merton College), I have never *found a trace of any transfer of villains*, or even of their services to third parties." The statistics are those of Professor Rogers himself. Sir Thomas Smith, secretary to Edward VI., declares that in his time he never knew any villain in gross throughout the realm, and that the few villains regardant that were then remaining were such only as had belonged to bishops, monasteries, and other ecclesiastical corporations in the preceding times of popery. The following extract, however, from Lord Campbell's life of Sir James Dyer, chief justice of the common pleas from 1559 to 1582, shows that half a century later it was by no means extinct: "It is not generally known that, down to the reign of Queen Elizabeth, there were in England both 'villains in gross,' or *slaves*, who might have been sold separately like chattels, and 'villains regardant,' or slaves attached to particular land, with which they were transferred along with the trees growing upon it." Lord Campbell then gives four examples out of the cases mentioned by Dyer in his reports. We will copy two of them: "In an action of trespass and assault there was a justification by the lord of a manor, that the plaintiff was his villain regardant, and the evidence being that he was his villain in gross, the question arose for which side judgment should be given. The defendant insisted that the substantial question was villain or free, not villain regardant or villain in gross. And that having greater rights over the plaintiff as villain in gross than as villain regardant, he had proved more than he was bound to prove, and the action was well barred. One judge inclined to this opinion, but the rest of the court thought that, in favor of liberty, the plea must be strictly the plea

proved, and peradventure the plaintiff was misled by the false issue tendered to him, and might have deemed it enough to negative the regardancy, without bringing forward proof to negative villainage in gross. So the plaintiff became a freeman."

A. B., seized in fee of a manor to which a villain was regardant, made a feoffment of one acre of the manor by these words: "I have given one acre, etc., and further, I have given and granted, etc., John S., my villain." Question. "Does the villain pass to the grantee as a villain in gross or as a villain appendant to that acre?" Two of the judges thought he should pass in gross, as there are several gifts, though in one deed; while the other judges said that if the whole manor had been granted, with a further grant of "John S., my villain," the villain would clearly have passed as part of the manor, and therefore that the acre and the villain being granted together, there was no severance. The court being equally divided, no judgment seems to have been given. These cases were not dismissed as no longer sustainable in an English court of justice, as would be now done in our courts in case of a man claimed as a slave, but entertained and adjudicated upon like any other actions. Lord Campbell adds in a note: "Villainage is supposed to have finally disappeared in the reign of James I., but there is great difficulty in saying when it ceased to be lawful, for there has been no statute to abolish it, and by the old law, if any freeman acknowledged himself in a court of record to be a villain, he and all his after-born issue and their descendants were villains." In point of fact, every copyholder in England is at this moment a villain regardant, inasmuch as in case of the sale of the manor of which he holds, he passes with the land into the possession of the purchaser. Until the passage of the Reform Bill of 1832, no copyholder, however rich, had a vote for member of Parliament, because he held by a base or villain tenure.

We have seen that slavery no sooner disappears than the pauper takes its place. The abandoned slaves have become so numerous and so clamorous, that it is absolutely necessary to make some provision for their support. The 43d of Elizabeth directs that the church-wardens, and two or more householders to be appointed by the justices, shall take order,

with the consent of the justices, for setting to work children, and all persons having no means to maintain themselves, and using no ordinary or daily trade of life to get their living by; and to raise a fund by taxation of the inhabitants for such setting to work, and for the necessary relief of the lame, impotent, old, and blind poor not able to work. And the justices are directed to send to the house of correction or common jail such as shall not employ themselves to work, being appointed thereunto as aforesaid.

"It appears," says Mr. Senior, in the article from which we have before quoted, "that the 43d of Elizabeth, so far from having been prompted by benevolence, was a necessary link in one of the heaviest chains in which a people calling itself free has been bound. It was a part of a scheme prosecuted *for centuries*, in defiance of reason, justice, and humanity, to reduce the laboring classes to serfs, to imprison them in their parishes, to dictate to them their employments and their wages. Of course persons confined to certain districts by penalties of whipping, mutilation, and death must be supported; and if they were capable of labor, it is obvious that they ought to be made to contribute to the expense of their maintenance."

The same writer, in speaking of the act of the 12th of Richard II., says: "There is not a clause in the whole act intended to benefit any persons except the employees of labor, and principally agricultural labor, that is to say, *the landowners who made the law*. If the provisions of the act could have been enforced, the agricultural laborers — and they formed probably four fifths of the population of England — would have been as effectually *ascripti glebæ* as any Polish serf."

Unhappily, in England there was no power to oblige the masters to do what their own sense of justice should have prompted. From the Conquest downward the owners of the soil have ruled. The only check at the outset — the royal prerogative — was got rid of. As the divine right of kings faded away, the divine right of lords and gentlemen has gained the ascendency, and now rules, and will rule, until by some means which it is impossible to foresee the avenger of the oppressed shall work out a remedy.

Here, then, are Mr. Disraeli's two nations, one fourth masters and three fourths slaves, entering into a somewhat different relation; the one fourth, as before, the most powerful body of landed proprietors on earth, the other three fourths a helpless multitude, just able, at best, to live from hand to mouth, and threatening at any untoward run of luck to fall an overwhelming burden on their obdurate fellow-countrymen. The sequel of the story is what must necessarily result from the vicious principle from which it set out, namely, that the fourth part, who were the employers, should fix, without appeal, the wages they were to pay to the three fourths, who were the laborers, without the faintest attempt to draw these out of their helpless condition. With this utter contempt of political economy, and with such an outrage on the strongest and finest instinct of our nature, the hope of advancement, with such disregard of one of the maxims of their common faith, that the laborer is worthy of his hire, what could be looked for but what we now witness? We wish to be understood that in saying this we refer to land-owners in their legislative capacity. There have always been in Great Britain a vast number of individuals of the kindest feelings, and in innumerable instances the hard lot of the laboring class has been greatly alleviated by the Christian benevolence of their superiors; but, unhappily, it is little that individual example or influence can do, where a vicious principle is at the bottom of a whole system.

We have seen that this act of the 43d of Elizabeth is to this day the law of the land. To follow its working during these three hundred years would exceed our limits. A more pitiful exhibition, as Mr. Senior has well said, of selfishness, ignorance, and pride was never witnessed, — the selfishness of irresponsible employees, ignorance of the simplest laws of political economy, and the pride of caste. We will, therefore, pass from the year 1601 to the year 1834, — two hundred and thirty-three years. By this time the state of things had become hideous. Mr. Hume (Vol. I. p. 378) says, in describing the treatment of the Anglo-Saxons by their Norman conquerors: "Contumely seems even to have been wantonly added to oppression; and the natives were universally reduced to such a state of meanness and poverty that the English name became a term of

reproach." What improvement has eight centuries produced in this respect? A writer in the Edinburgh Review (October, 1868) will furnish the answer. He is describing the effects of the act of the 14th Charles II., known as the law of parochial settlement: "The artificial congestion within narrow limits brought about a state of things in which that commodity which ought to be the most valued of all things, since it is the foundation of all value, came to be regarded as a superfluity and a drug. Instead of being prized for his strength and skill, the point of view in which the workingman was regarded was that of a possible burden on the rates. In the eyes of parish officers he was a nuisance; in the mind of the land-owner, a bugbear and an expense. To get rid of him, and to saddle another parish with the liability of his maintenance, became a study which all the resources of legal subtlety and chicanery were strained to assist. The frauds and stratagems devised by astute lawyers for the purpose of supporting or resisting orders of removal; the costly litigation to which these contests led, and the reckless inhumanity with which the unfortunate objects of them were bandied about from parish to parish, with less consideration of their dignity as human beings than if they had been part of the animal stock of a farm,—these are among the saddest and most scandalous records of pauperism with which the odious law of parochial settlement is justly chargeable."

From one abuse to another it at length came to pass that the laborers were literally the property of the parish, able-bodied and all. The overseers fixed the rate of wages each man was to receive; they were then let out to the farmers like cattle. If they were not taken, they were sometimes put up at auction, and sometimes stood in a pound awaiting a bidder. One or two samples from Mr. Senior's article we will give: "At Deddington, during the severe winter months, about sixty men apply every morning to the overseer for work or pay. He ranges them under a shed in a yard. If a farmer, or any one else, wants a man, he sends to the yard for one, and pays half a day's wages; the rest is charged to the parish. At the close of the day the unemployed are paid the wages of a day, less 2 *d.*" In the book of Hampton Poyle are the following items: "Paid for men and boys standing in the pound six days, £6 7 *s.* 0 *d.*"

And in every week's payment a list of these laborers, thus: "M. Wheeler, standing in the pound six days, £ 0 8*s.* 0*d.* I. Cartwright, standing in the pound four days, £ 0 6*s.* 0*d.*" This would seem to be the climax of absurdity, as well as of wanton and jeering cruelty.

> Nil habet infelix paupertas durius in se,
> Quam quod ridiculos homines facit.

But we shall soon see a lower depth. In the year 1818 the poor rates had reached the frightful sum of £ 7,870,801, or 13*s.* 3*d.* per head of the entire population. They afterwards fell, but in 1832 had again risen to £ 7,036,969. The alarm became general. Parliament could no longer shut its eyes to the danger. The matter was taken in hand in earnest, and a commission consisting of the Bishop of London, the Bishop of Chester, Sturges Bourne, Nassau W. Senior, Henry Bishop, Henry Gawler, W. Coulson, James Trail, and Edwin Chadwick was raised to consider and report on the subject. These gentlemen devised a plan, which for a time gave hopes that the evil had been checked. The plan was this, — to divide England into unions; to build in each of these unions an immense workhouse, and to oblige every able-bodied person who applied for relief to go into one of these houses. The system was carried on by means of a vast machinery, consisting of a central board sitting at Somerset House, with local unions, also directed by local boards, acting under the supervision of the central board in London. For about four years its success was marvellous. The rates fell from £ 6,317,255 in 1834, to £ 4,044,741 in 1837. But this notable scheme proved, like all that had gone before it, a mere makeshift, — an outward application for a deep-seated malady, "parmaceti for an inward bruise." One or two bad seasons, caused by the potato-rot, swamped the houses. With seven millions of famishing human beings, the workhouses in such a crisis were like a milldam in an inundation, or Mrs. Partington's broom against the Atlantic. The plan has long since been given up, except as a palliative. How far it is deserving even of that praise we shall presently see. In the year 1862 the blockade of our Southern ports plunged the cotton operatives of Lancashire into want and misery. This calamity led to disclosures of a truly

agonizing description. One cannot read without a shudder the letters of the Rev. Mr. Kinsley, who gave as a reason why the district in which he lived should not be expected to contribute to the relief of the distress in Lancashire, that the condition of the suffering operatives in that county was, even then, better than that of the average of farm laborers in the whole kingdom. Again, one of the complaints that was heard oftenest in the discussion of the horrors of garroting and its causes, was that the criminals had no fear of imprisonment, but rather courted it, inasmuch as their condition as prisoners was altogether better than that of the poor but honest laborer who was working by their side on the same premises. This was nine years ago. Let us see how it compares with the actual state of things.

The practice of regulating wages by statute, or by justices of the peace in quarter sessions, which is the same thing, they being always either large landed proprietors or beneficed clergymen, ceased with the year 1725; the last case cited by Sir Frederick Eden is that regulating wages in the county of Lancaster for that year. The style of it is well worthy of the olden time. It runs thus: "The person who gives more wages than is appointed by the justices shall forfeit five pounds, and be imprisoned ten days; the servant who takes more, to be imprisoned twenty-one days. Every promise or gift whatever to the contrary shall be void. We, the said justices, shall make strict inquiries, and see the defaults against these ancient and *useful* statutes severely corrected and punished."

Thus at last fell into desuetude, after an existence of four centuries, a system most selfish, most short-sighted, most demoralizing and iniquitous. It has already been seen that the unfortunate working classes were none the better for its discontinuance. The landlords brought into play an engine more expeditious and more sweeping. Woe to the unlucky laborer who presumed on his rights as a free-born Englishman. The landlord's power of eviction was brought to bear upon him with relentless force. The extent to which this arbitrary power on the part of the great proprietors is exercised would hardly find credit if not so well attested. Mr. Senior, in the article quoted from above, says: "But as the burden of the poor laws was

more and more felt by the landlords, all sorts of devices were resorted to in order to shift settlements from one parish to another. Where a parish belonged to a single owner, or to a few owners acting in concert, the cottages were pulled down, and the inhabitants bribed to sleep in adjoining parishes, under conditions transferring their settlement. We have visited parishes where there was not a house except the squire's mansion and the parsonage, and the whole labor was performed by persons resident in the neighboring villages; where the number of proprietors or the interest of the cottage-owners rendered this impossible, the object was effected by bribing girls to marry men belonging to other parishes, and by apprenticing boys to masters resident elsewhere; and the result was a distribution of the population, without reference to their welfare or their utility."

The article by Mr. Senior, from which this extract is taken, was written in 1841. What was the state of the case in July, 1867, twenty-six years later, when the following statements were made in the London Quarterly Review?

"It may," says the writer, "be proper, before we advert to the disclosures of the commissioner's reports, to take a cursory view of the districts in which this evil originated, and in which it now chiefly prevails; for the origin of 'agricultural gangs' is undoubtedly connected with the physical peculiarities of certain counties and their early social condition. The extensive employment of women and children in rural labor had its rise in two causes: first, in the extensive reclamation of waste lands; and, secondly, in the destruction of cottages, and the consequent removal of the people which inhabited them, rendering labor difficult to procure, and imposing upon the farmer the necessity of obtaining it through the instrumentality of a middle man, who made it his business to supply it *at a cheap rate*, gaining his living by organizing bands of women, young persons, and children, of whom he became the temporary master; and the system is favored by the farmers for its economy no less than for its convenience.

"In this reclaimed portion of England farm-houses, barns, and stables, sufficient for all the requirements of a prosperous agriculture, were erected. The cattle of the farm were housed in comfort, but no thought is taken of the laboring man, no cottages were built for his accommodation; and as he could not reside on the land where his services were required, he had to submit to the hard necessity of rising an hour or

two earlier than he otherwise would, and of walking, perhaps, miles to his work. On those estates on which the peasant was so fortunate as to secure some humble tenement to shelter him, he was dispossessed of it as speedily as possible, lest he should one day become a pauper and a burden to the parish, and he was driven to find a home how and where he could. This has been particularly the case in Norfolk, where the work of depopulation was proceeding in an accelerated ratio, until the change in the law of settlement put a partial stop to the process. It is a melancholy thing to stand alone in one's country! said the late Earl of Leicester, when complimented on the completion of Holkham. I look around, and not a house is to be seen but mine. I am the giant of Giant Castle, and have eaten up all my neighbors.

"It is a common practice for the gang-master to carry a stick or a whip, but rather, it is said, to frighten the children with than for use; but the treatment depends entirely upon the disposition of the gang-master. There is no control, or possibility of control, for the children know that remonstrance would be immediately followed by expulsion from the gang; and the parents, having a pecuniary interest in their labor, would but too certainly shut their ears to any complaint. Instances are not uncommon of severe and lasting injuries having been inflicted by brutal gang-masters, and gross outrages, such as kicking, knocking down, beating with hoes, spuds, or a leather strap, 'diking,' or pushing into the water, and 'gibbeting,' i. e. lifting a child off the ground and holding it there by the chin and back of the neck until it is black in the face, are said to be frequent.

"The temptation of adding two or three shillings to the weekly earnings of the family is generally too great for parents to withstand. Mothers are represented as forcing their children into the gangs, and prefer keeping them at home to placing them in service, that they may farm them out to the gang-master; and it not unfrequently happens that the father is indulging in voluntary idleness at home, while his offspring are toiling in the fields. As it is the interest of farmers that the supply of juvenile labor should always be equal to his demand, they are represented as generally opposed in the gang districts to the education of the poor.

"It is occasionally the practice of the private gangs to pass the night on the farms where they work; according to one witness, this is a common practice where they go long distances, and they sleep in a barn or stable. A day or two previous to the visit of one of the assistant commissioners to a place in Cambridgeshire, a gang had passed a night on a farm, the gang-master, with his whole party, having been locked up in a granary by the foreman of the farm, with as little thought of the

impropriety of the proceeding as if he had been folding a flock of sheep. Some employers have endeavored to separate the sexes in private gangs, and to limit the age at which children are permitted to work in them; but such efforts have generally been unsuccessful for want of support, or of the means of enforcing their regulations.

"The want of a proper distribution of labor is the chief cause of the existence of agricultural gangs in the counties to which they have hitherto been confined. The rural peasantry are thus being removed from their parishes and relegated to open villages and towns, and the household condition of the English laborer is becoming in the highest degree deplorable. Whether he shall find cottage accommodations on the estate which he tills, and to which his labor is as indispensable as the influences of the sun and the rain, depends, not on his ability to pay a reasonable rent, but on the use which the owners think fit to make of their property."

Here are the two nations alluded to by Mr. Disraeli, and in what essential particular, except that the weaker cannot be sold openly in the market, does their relative condition differ from that of the same two nations at the moment when the vaunted Magna Charta of Judge Blackstone threw its protecting ægis over every inhabitant of the English soil? The reader who has followed us thus far will naturally ask, But what is to be the end? How is this sickening tragedy of centuries to find its fitting catastrophe? This is the question which now stares the British people in the face, and no more appalling one has ever presented itself to any country. He must be a bold man who shall undertake to point out the means of escape from what seems almost a desperate position. One thing we think, however, may be safely assumed, and that is that no essential progress towards improvement can be looked for while the same body of men hold all the land, and at the same time command solid majorities in both Houses of Parliament. What we now witness is essentially the feudal system of William the Conqueror. The military power of the prince and the royal prerogative have, it is true, disappeared; but the great landed monopoly begun in that day is more powerful now, because more concentrated than ever before. It commands the patronage of army, navy, church, and bar, and pushes its advantage to the utmost. Proof of this is not far to seek. We have not

space to discuss the way in which it is shown in the game laws; but any one who is curious on this branch of the question is referred to the case of the Marquis of Exeter's two sacks of dead rabbits.* On this case the House of Lords sat as the grand court of appeal of the realm, to adjudicate on the construction of a law of their own making; every one of the four hundred and fifty judges, more or less, having as owners of game preserves a direct personal interest in the question at issue, for which he would be subject to challenge as a juryman in any common-law court in England, and yet their decision is perfectly constitutional. What way of escape is there from a state of things so serious? We said just now that the great landed proprietors, though less numerous now than heretofore, are more powerful in the government than ever. Lord Macaulay estimates at not less than one hundred and sixty thousand the number of landed proprietors in the time of Charles II., who, with their families, must have made up a seventh of the whole population, and who derived their subsistence from little freehold estates. The average incomes of these small landowners was estimated at between sixty and seventy pounds a year. About the middle of the last century the whole number of landed proprietors, great and small, was estimated at two hundred and seventy-four thousand. About that time a great change took place. The sudden growth of the trade to the East Indies, and the expansion of the cotton manufacture, raised up a vast number of bidders for landed property. Every nabob from the East, every successful banker, cotton-spinner, and manufacturer, must become a country gentleman at any price. The consequence is that the two hundred and seventy-four thousand land-owners of a century ago are reduced to little over thirty thousand, and Lord Macaulay's class of one hundred and sixty thousand small proprietors has quite disappeared.

M. Louis Blanc has in his letters some remarks on this subject which are so just and so well put, that we transcribe them: "This landed property possesses here an incomparable charm. The golden dream of every Saxon merchant is to be one day classed among the landlords. The manufacturer sighs for the happy moment when he will be able to say, while taking his

* London Quarterly Review, January, 1867, Article *Game Laws.*

morning walk, 'This is mine.' If far, very far from his fatherland, the colonist turns his eye towards her, it is in the hope of returning as a 'country gentleman.' And whence springs this general earth hunger? From the love of lucre? Not at all. There are estates of great extent, recently purchased, which return barely two per cent to their owners, in a country where it is easy to place one's money, and with perfect safety, at four and five per cent. It is, as the Times observes, because land at the present day in England is an article of luxury. This is the whole secret. But there is one point which the Times has omitted to clear up, and it is this, How comes it that where taxation weighs so heavily upon articles of the first necessity, it does not weigh at all upon an article of luxury?" *

The last query of M. Louis Blanc has great significance, as showing the enormous preponderance of the landed interest in Parliament. The Review from which the foregoing extract is taken says: "The amount of the land tax in this country has not materially increased since the commencement of the last century, while in the same period the revenue of England has risen from £ 3,895,204 to £ 70,683,850, and the rents of landlords from £ 9,724,000 to £ 54,678,412. The monopoly of lands is still going on, and beginning to excite apprehension. This is not to be wondered at. All reflecting persons must see that such an immense preponderance of one interest, carrying with it, as it does, the control of the government, is a serious evil."

In order to relieve themselves from the poor-rates, the landlords are encouraging emigration, and with no little success. It appears by the last returns in this country, that the immigrants from England now exceed those from any other country, Ireland not excepted. Those who emigrate are the well-to-do and the able-bodied portion of the peasantry, leaving the aged, the infirm, and the imbecile on the hands of their old masters. In no long time this double process of the monopolizing of land, and escape of the self-supporting portion of the working class, will leave the landed aristocracy with no support anywhere. Something must be done, and that without delay.

* Westminster Review, October, 1867, p. 187.

The remedy must be an heroic one, — no less than the voluntary surrender on the part of the oligarchy of some of its long-cherished privileges. What hope there is that such a measure may be brought about let the uniform experience of mankind decide.

The actual condition of things is the outgrowth of the Conquest. When the villains were turned adrift, there was left the old feeling of caste still operating to keep them in a state of humiliating subjection. At the very time when the present Poor Law was passed, in 1601, slavery, as we have seen, was still recognized by the courts of law, and a stringent act was in force limiting the wages of the laboring class to what it pleased the landlord to give them. The late serfs and their descendants were turned into paupers. This degraded class was on no account to be permitted to raise its head. It was thought better to feed them, as dependent paupers, at the public expense, than to allow them to bring the only commodity they had, their labor, into free competition in the market. It was thought safer to shut them up in their parishes, and dole out to them a wretched pittance, than to give them the chance to work out for themselves an honorable independence. An author of the sixteenth century declares that he looks upon the class of poor artisans and peasants as a disinherited class of men. In accordance with this policy, they were kept in ignorance as well as poverty. It is a most disgraceful fact that the landlords of England have, as a class, uniformly set their faces against any national system of education, avowedly for the reason that it would endanger their supremacy. It now remains to be seen whether they will doggedly adhere to the same narrow policy of class legislation. While the world is awake to the axiom of modern times, "*that property has its duties as well as its rights*," they have brought themselves to sorrow by shutting their eyes to it. They may go on some time longer in the same infatuation. But if they are wise, the landlords will not wait to be driven to the wall. They will take the matter into their own hands before it is too late. They have a task before them which rises above all considerations of party or of caste. Whether they will be equal to the emergency remains to be seen; we trust they will listen to the warning voice of one of their own class, the Duke

of Argyll, which, in conclusion, we heartily commend to their thoughtful consideration. In the volume entitled "The Reign of Law," under the seventh head, "Law in Politics," is this paragraph: "The epoch of conquering races destroying the governments and reconstructing the populations of the world is an epoch which has passed away. Whatever causes there may be now of political decline are causes never brought to such rough detection, and never ending in catastrophe so complete. Yet in modern days a condition of stagnation and decline has been the actual condition of many political societies for long periods of time. It is a condition prepared always by ignorance or neglect of some moral or economical laws, and determined by a long perseverance in a corresponding course of conduct. Then the laws which have been neglected assert themselves. In the last generation, and in our own time, the Old and the New World have each afforded memorable examples of the reign of law on the course of political events. Institutions *maintained against the natural progress of society* have foundered amid fanatic storms. Other institutions, *upheld and cherished against justice and humanity and conscience*, have yielded only to the scourge of war."

EDWARD BROOKS.

ART. VI. — PIERRE BAYLE.

PIERRE BAYLE was born in 1647, in the days of Mazarin and the Fronde. He saw the rising of the sun of Louis XIV., its meridian splendor, *nec pluribus impar*, and its disastrous setting at Blenheim and Ramillies. In English history his life extends from the execution of Charles I. through the reigns of Cromwell, Charles II., James, William and Mary, to Queen Anne. He belongs to the most remarkable century the world has seen since the one we date from, — a century that has on its muster-roll such names as Galileo, Kepler, Newton, Bacon, Descartes, Spinoza, Locke, Leibnitz, Shakespeare, Cervantes, Molière, and many more who would have been giants in any other company. A century of great changes as well as of great men, it bridges